



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CITY OF ALMATY, KAZAHKSTAN, and
BTA BANK JSC,

Plaintiffs,

-against-

MUKHTAR ABLYAZOV, ILYAS KHRAPUNOV,
VIKTOR KHRAPUNOV, and TRIADOU SPV S.A.,

Defendants.
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KATHARINE H. PARKER, UNITED STATES MAGISTRATE JUDGE

ORDER

15-CV-05345 (AJN) (KHP)

On August 1, 2018, Plaintiffs City of Almaty, Kazakhstan and BTA Bank (the “Kazakh Entities”) moved to compel Defendant Mukhtar Ablyazov to (1) produce documents responsive to their document requests, and (2) cooperate in scheduling his deposition in France for a date certain prior to the close of discovery on September 30, 2018 or, alternatively, to travel to the United States or London to complete his deposition. (Doc. No. 811.) Ablyazov has not responded to the motion. The Kazakh Entities’ motion is GRANTED.

There is no question that Ablyazov’s testimony about whether funds used by Defendant Triadou SPV S.A. (“Triadou”) to invest in the United States came from entities or accounts controlled by Ablyazov is relevant to the claims in this action. Ablyazov objected to a deposition in the United States because he was subject to an Interpol Red Notice and seeking asylum in France but consented to be deposed under the Hague Convention. Accordingly, on September 21, 2017, this Court ordered Ablyazov to make himself available for a deposition in France. (Doc. No. 420.) For reasons that are not clear to this Court, Ablyazov’s deposition has not yet occurred. Further, it appears that certain impediments to Ablyazov’s travel are now

gone (e.g., he is no longer subject to an Interpol Red Notice or incarcerated). For these reasons, it is hereby ORDERED that:

- (1) By August 17, 2018, Ablyazov shall submit a letter, copying all counsel of record, to the Tribunal de Grande Instance seeking: (a) an explanation of the current status of the Hague Request and any outstanding items that need to be addressed in order to process that request and hold the deposition; and (b) a copy of any summons issued by that tribunal to Ablyazov, or, if no summons has been issued, requesting that one be issued promptly; and (c) requesting that counsel to the Kazakh Entities be copied on any response from the tribunal;
- (2) By August 24, 2018, Ablyazov shall personally call, or have his counsel call, the Tribunal de Grande Instance to inquire as to the status of the Hague Request and ask what still needs to be done to complete the request and hold the deposition, and to then undertake any additional actions that are required in order to hold the deposition, and request that the deposition be scheduled for a date prior to September 14, 2018; and
- (3) If a deposition in France cannot be arranged by September 14, 2018, Ablyazov's deposition shall be held the week of September 17, 2018 either in the United Kingdom or New York.

Counsel for Triadou is directed to serve a copy of this Order on pro se Defendant Ablyazov.

SO ORDERED.

Dated: August 10, 2018
New York, New York

A handwritten signature in blue ink that reads "Katharine H. Parker". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

KATHARINE H. PARKER
United States Magistrate Judge